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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,152	11/02/2000	Martin Hering	17857.4	4568

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08/13/2002

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EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,152

Applicant(s)

HERING, MARTIN

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2002 and 05 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 62-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 62-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11 + 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Specification

The abstract of the disclosure is objected to because “removable” is grammatically awkward and confusing. It is suggested that the applicant change “removable” to --removably-- to avoid confusion. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

Claims 62-78 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “a turnstile” on line 3 of claim 62 render the claims indefinite because it is unclear if the applicant is referring to the turnstile set forth above or is attempting to set forth another turnstile in addition to the one set forth above.

Recitations such as “carrying indicia by the arm” on line 6 of claim 62 render the claims indefinite because they are grammatically awkward and confusing and because they fail to set forth a step of the method. Recitations such as “providing . . . the collar” on lines 2-3 of claim 65 render the claims indefinite because it is unclear if the collar is merely for securing the sleeve to the arm or it actually secures the sleeve to the arm. Line 2 implies the former while line 3 implies the latter.

Double Patenting

Claims 62-85 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 16-18 of U.S. Patent No. 5,430,974 in view of Harrison et al. Claims 16-18 of U.S. Patent No. 5,430,974 recite the same limitations as claims 62-85 but for the step of providing a turnstile for defining a passageway and an arm moveable into and out of the passageway.

However, Harrison et al. discloses providing a turnstile for defining a passageway (not shown, but seen column 1, lines 1-19) an arm 3 moveable into and out of the passageway.

It would have been obvious to one of ordinary skill in the art to provide claims 16-18 of U.S. Patent No. 5,430,974 with a turnstile for providing a passageway, as taught by Harrison et al., to ensure that the people enter and exit through the designated exits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 62-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al. Harrison et al. discloses a turnstile (not generally numbered, but seen in figure 1), comprising a turnstile defining a passageway (not shown, but see lines 1-19 of column 1), the turnstile having an arm 3 movable into the passageway for blocking

Art Unit: 3634

passage of a person therethrough and out of the passage way for permitting passage therethrough, and carrying indicia 30 by the arm, wherein the indicia is positioned for viewing by the person when the arm is in the passageway blocking passage therethrough. Harrison et al. further discloses a sheet/sleeve/covering 27 and a collar 28.

Although Harrison et al. is silent concerning the specific method of manufacturing the apparatus as disclosed by Harrison et al., the manufacture of the apparatus disclosed by Harrison et al. would inherently lead to the method steps recited in claims 62-85.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sandling, Baltzley and Flowers are cited for disclosing a turnstile having indicia on the arms thereof. Hyden is cited for disclosing a turnstile having indicia thereon. Mace is cited for disclosing attaching indicia to a horizontally extending bar.

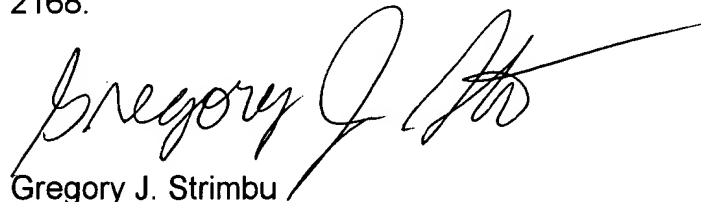
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone

Art Unit: 3634

numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
August 7, 2002